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Date: May 15, 2002

Docket No.: 1163-0214P

Appl. No.: 09/210,775

Conf. No.: 4920

05/16/2002 HDEMESS1 00000045 09210775

01 FC:131

740.00 OP

**BOX CPA**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a Request for filing a continued prosecution application under 37 C.F.R. § 1.53(d) of prior Application No. 09/210,775 entitled MOVING PICTURE ENCODING SYSTEM by the following named Inventor(s):

Tosiaki SHIMADA, Hideo OHIRA, Kenichi ASANO

☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. §1.53(d)(4).

a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

The above-identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

05/16/2002 HDEMESS1 00000045 09210775

02 FC:115

110.00 OP

**RECEIVED**

**MAY 20 2002**

**Technology Center 2600**

1. ☐ Enter the Amendment previously filed , under 37 C.F.R. § 1.116 but unentered, in the prior application.
2. ☒ A Preliminary Amendment is enclosed.
3. ☐ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
4. ☐ A new power of attorney or authorization of agent is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

|  |              |              | LARGE ENTITY  | SMALL ENTITY  |
|--|--------------|--------------|---------------|---------------|
| BASIC FEE  |              |              | \$740.00      | \$370.00      |
|  | NUMBER FILED | NUMBER EXTRA | RATE FEE      | RATE FEE      |
| TOTAL CLAIMS   | 14-20=       | 0            | x 18 = \$0.00 | x 9 = \$0.00  |
| INDEPENDENT CLAIMS   | 1-3=         | 0            | x 84 = \$0.00 | x 42 = \$0.00 |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED |              |              | + \$280.00    | + \$140.00    |
| TOTAL  |              |              | \$740.00      | \$0.00        |

5. ☐ Small entity status: Applicant claims small entity status. See 37 C.F.R. § 1.27.
6. ☒ Priority of Application No(s). 10-85034 filed in JAPAN on March 16, 1998 is claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on December 14, 1998.
7. ☐ Priority of International Appl. filed on under the Patent Cooperation Treaty and Application No(s). filed in on under 35 U.S.C. § 119 are hereby reclaimed.

8. ☒ Address all future communications to:
- BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
Telephone: (703) 205-8000  
or  
Customer No. 2292
9. ☒ The applicant(s) hereby petition(s) for an extension of one (1) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:
- ☒ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$110.00 is required for the full period of the above-requested extension of time.
- ☐ An extension of ( ) month(s) was previously requested and paid for on in the prior application. Thus, a fee of \$0.00 is required to obtain an additional ( ) month(s) in order to establish co-pendency with the present application.
10. ☐ Applicant requests suspension of action under 37 C.F.R. § 1.103(b) for a period of ( ) months (not to exceed 3 months) and the fee of \$130.00 under 37 C.F.R. § 1.17(i) is enclosed.
11. ☒ Check(s) in the amount of \$,0.74; (\$,0.00) is/are enclosed.
12. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
13. ☐ The filing fee is NOT attached. Please issue a Notice requesting the filing fee.
14. ☒ Also enclosed herewith is the following:
- Preliminary Amendment as indicated in "2."
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all of the other applications in the same file wrapper.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, #29,680

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*kmr*  
MKM/MEO/kmr  
1163-0214P

Attachments

#18/B  
W. Lawson  
5/20/02

PATENT  
1163-0214P

IN THE U. S. PATENT AND TRADEMARK OFFICE

Applicants: SHIMADA et al. Conf.: 4920  
Appl. No.: 09/210,775 Art Unit: 2613  
Filed: December 14, 1998 Examiner: A. Wong  
For: MOVING PICTURE ENCODING SYSTEM

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MAY 20 2002

Technology Center 2600

**PRELIMINARY AMENDMENT**  
**(FILED WITH CPA)**

Assistant Commissioner for Patents  
Washington, DC 20231

May 15, 2002

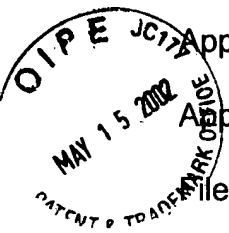
Sir:

Preliminary to examination of the above-identified application, please amend the application as follows.

**IN THE CLAIMS:**

Please amend claim 1 as follows:

- 
1. (Amended) A moving picture encoding system for encoding each picture included in a sequence of moving pictures in units of a unit group comprised of a plurality of pictures including said each picture, said system comprising:
- encoding control means for, when said unit group includes a plurality of different types of pictures which are to be encoded with different encoding methods, setting a target quantizer step size used to encode each of the different types of pictures included in said unit group, and for performing a control operation to generate and furnish a quantizer step size so that a ratio among the target quantizer step sizes set for



B<sup>1</sup>